

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF ILLINOIS
EASTERN DIVISION**

| | | |
|---|---|------------------------|
| STEVEN ANTHONY, individually and |) | |
| on behalf of all others similarly situated, |) | |
| |) | |
| Plaintiff, |) | No. 08-cv-04359 |
| |) | |
| vs. |) | Judge Milton I. Shadur |
| |) | |
| FIFTH THIRD BANK, |) | |
| |) | |
| Defendant. |) | |

**DEFENDANT FIFTH THIRD BANK'S AGREED MOTION
FOR ENLARGEMENT OF TIME TO ANSWER
OR OTHERWISE PLEAD IN RESPONSE TO THE COMPLAINT**

Defendant Fifth Third Bank ("Fifth Third"), by its undersigned counsel, pursuant to Fed. R. Civ. P. 6(b), respectfully moves for an enlargement of time to answer or otherwise plead in response to the Complaint to September 19, 2008. In support thereof, Fifth Third states as follows:

1. Plaintiff Steven Anthony ("Plaintiff") filed a Class Action Complaint ("Complaint") against Fifth Third on July 31, 2008, which was served upon Fifth Third's registered agent on August 8, 2008. The Complaint alleges a claim under the Electronic Funds Transfer Act, 15 U.S.C. § 1693, *et seq.*, and its implementing regulations, 12 C.F.R. § 205.16(c), based on a purportedly inaccurate fee notice sticker posted on a Fifth Third ATM machine from which Plaintiff withdrew funds.

2. This case is set for an initial status hearing before the Court on September 22, 2008.

3. At present, Fifth Third is required to answer or otherwise plead in response to the Complaint by September 5, 2008. Fifth Third only recently retained counsel in this

matter, however, is currently in the process of investigating the allegations in the Complaint, and will not be in a position to respond to the Complaint by September 5, 2008. Accordingly, Fifth Third is seeking an enlargement of time to answer or otherwise plead in response to the Complaint until and including September 19, 2008.

4. Counsel for Fifth Third has discussed the enlargement of time requested herein with counsel for Plaintiff, who informed Fifth Third's counsel that Plaintiff would not object to the requested enlargement of time to September 19, 2008 as long as Fifth Third agreed that the parties would exchange Rule 26(a)(1) disclosures by September 19, 2008, which Fifth Third has agreed to do.

WHEREFORE, Defendant Fifth Third Bank respectfully requests an enlargement of time to September 19, 2008 for Fifth Third to answer or otherwise plead in response to the Complaint.

Dated: August 21, 2008

Respectfully submitted,

FIFTH THIRD BANK

By /s/ David R. Lidow
One of Its Attorneys

Steven A. Levy
Roger A. Lewis
David R. Lidow
GOLDBERG KOHN BELL BLACK
ROSENBLUM & MORITZ, LTD.
55 East Monroe Street
Suite 3300
Chicago, Illinois 60603
(312) 201-4000